REMARKS

Claims 1, 3-15, 17-22, 24, 25, 27-29 and 31-33 remain pending in the application.

Claims 1, 3-15, 17-22, 24, 25 and 27-33 over Schmidt in view of Swaminathan and Aoki

In the Office Action, claims 1, 3-15, 17-22, 24, 25 and 27-33 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Schmidt et al., U.S. Patent No. 6,160,585 ("Schmidt") in view of Swaminathan et al., U.S. Patent No. 6,460,086 ("Swaminathan"), and further in view of Aoki, U.S. Patent No. 5,757,792 ("Aoki"). The Applicant respectfully traverses the rejection.

Claim 30 was previously canceled, making the rejection of claim 30 moot.

Claims 1, 3-15, 17-22, 24, 25, 27-29 and 31-33 recite, *inter alia*, a local identifying code in a header of a data packet.

Schmidt appears to disclose the use of a time division format, wherein a normal or baseline video is received continuously by all receivers, while only select data or information is decoded and stored by specific receivers (Schmidt, col. 2, lines 19-22). Based on a selection programmed into a receiving unit 100, Video Processing Equipment (VPE) 108 at the receiving end selects one of an addressable video segments 60 (Schmidt, col. 4, lines 19-27).

The Office Action correctly acknowledged that Schmidt fails to disclose a digital radio transmitter and packetizing an information stream, wherein at least one of a plurality of local broadcast identifying codes is contained in a header of each data packet transmitted by a transmitter (Office Action, page 3). However, the Office Action relies on Swaminathan and Aoki to allegedly make up for the deficiencies in Schmidt to arrive at the claimed invention. The Applicant respectfully disagrees.

Swaminathan appears to disclose a method and apparatus for embedding bytecode data in a transport stream (Abstract). The transport stream is a video or audio information communicated from a server computer to a client computer (Swaminathan, col. 1, lines 34-44). The invention allows the transport

of media data to a client computer system and devices that can receive data, i.e., set top boxes, personal data assistants, smart appliances, telcom devices and financial terminals (Swaminathan, col. 3, lines 24-32). The embedded bytecode data is placed in predefined spaces in the transport stream (Swaminathan, col. 3, lines 33-39). Data packets are used to send the transport stream, each including a header containing information of the type of data, the size of the data being transmitted, the start and end locations of the transmitted data (Swaminathan, col. 4, lines 20-36).

Aoki appears to disclose a mobile telephone communication system which enables any combination of communicating speech and data during telephone communications (Aoki, Abstract; col. 5, lines 16-26). The mobile communication system is comprised of a mobile station transmitting/receiving voice and data signals and a base station transmitting/receiving a radio signal to the mobile station (Aoki, col. 4, lines 25-30). A base station control apparatus allows for transmitting/receiving a signal between the base station and an ISDN switching unit (Aoki, col. 4, lines 30-33).

The Examiner correctly acknowledged that Schmidt fails to disclose or suggest a local identifying code in a header of a data packet (Office Action, page 3). However, the Examiner seems to acknowledge that neither Swaminathan nor Aoki disclose or suggest a local identifying code in a header of a data packet (Office Action, page 3).

Swaminathan invention is directed towards embedding bytecode data in a video or audio stream transmitted from one computer to another. Swaminathan fails to disclose or suggest a need to distinguish local information from non-local information. A local identifying code would be nonsensical since the content is passing from one computer to another, each computer receiving content that is specifically targeted to **that** computer.

Aoki invention is directed towards a telephone communications system. Aoki fails to disclose or suggest a need to distinguish local information from non-local information. A local identifying code would be nonsensical since the content is passing between mobile stations and a base station, each mobile

station and base station receiving content that is specifically targeted to **that** mobile station and base station.

Neither Swaminathan nor Aoki have any use for a local identifying code, much less disclose or suggest a local identifying code in a header of a data packet, as recited by claims 1, 3-15, 17-22, 24, 25 and 27-33.

Neither Schmidt, Swaminathan nor Aoki, either alone or in combination, disclose, teach or suggest a local identifying code in a header of a data packet, as recited by claims 1, 3-15, 17-22, 24, 25 and 27-33.

Accordingly, for at least all the above reasons, all rejected claims 1, 3-15, 17-22, 24, 25, 27-29 and 31-33 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

Dan F (#46,504) for

William H. Bollman
Reg. No. 36,457

Manelli Denison & Selter PLLC
2000 M Street, NW
Suite 700
Washington, DC 20036-3307
TEL. (202) 261-1020
FAX. (202) 887-0336

WHB/df